

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Dupree Evans, #322078, )  
                                )  
Plaintiff,                 )  
                                ) Civil Action No.: 3:07-1802-TLW-JRM  
vs.                         )  
                                )  
Tom Fox, Director; and     )  
Debbie Hipp, Head Nurse Practitioner,     )  
                                )  
Defendants.                 )  
                                )

---

**ORDER**

Plaintiff, Dupree Evans, (“plaintiff”) brought this civil rights action under 42 U.S.C. § 1983. (Doc. #1). The defendants filed a motion for summary judgment on October 22, 2007. (Doc. #18). On October, 25, 2007, the plaintiff was provided a copy of the motion and was given an explanation of the summary judgment procedure and the possible consequences if he failed to respond adequately, as required by Rosoboro v. Garrison, 528 F.2d 309 (4<sup>th</sup> Cir. 1975). (Doc. #17). Despite this explanation, the plaintiff did not respond. The plaintiff was specifically advised that if he failed to respond, this action would be dismissed for failure to prosecute. The plaintiff has not responded to the order.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Joseph R. McCrorey, to whom this case had previously been assigned. (Doc. #29). In the Report, Magistrate Judge McCrorey recommends that the District Court grant defendants’ motion for summary judgment and dismiss the complaint. (Doc. #29). Objections to the Report were due July 14, 2008. The plaintiff has not filed objections

to the Report.

In conducting review of the plaintiff's previous objections, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the Wallace standard, the Court has carefully reviewed the Magistrate Judge's Report and Recommendation. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED** (Doc. #29), thus, the defendants' motion for summary judgment is **GRANTED** (Doc. #18) and the action is dismissed.

**IT IS SO ORDERED.**

---

S/Terry L. Wooten  
Terry L. Wooten  
United States District Judge

July 22, 2008  
Florence, South Carolina